

Translation

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PATENT COOPERATION TREATY

PCT/EP2003/012820



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|   |   |   |
|---|---|---|
| Applicant's or agent's file reference<br>P800423/WO/1                                     | FOR FURTHER ACTION  | See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |
| International application No.<br>PCT/EP2003/012820  | International filing date (day/month/year)<br>17 November 2003 (17.11.2003) | Priority date (day/month/year)<br>11 December 2002 (11.12.2002)                                     |
| International Patent Classification (IPC) or national classification and IPC<br>B60P 7/08 |   |   |
| Applicant<br>DAIMLERCHRYSLER AG   |   |   |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

|   |   |
|---|---|
| Date of submission of the demand<br>22 June 2004 (22.06.2004) | Date of completion of this report<br>10 May 2005 (10.05.2005) |
| Name and mailing address of the IPEA/EP                       | Authorized officer  |
| Facsimile No.   | Telephone No.   |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/012820

I. Basis of the report

1. With regard to the elements of the international application:\*

the international application as originally filed  
 the description:

pages \_\_\_\_\_ 1-5 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the letter of \_\_\_\_\_

the claims:

pages \_\_\_\_\_ \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_ \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ 1-5 \_\_\_\_\_, filed with the letter of 02 February 2005 (02.02.2005)

the drawings:

pages \_\_\_\_\_ 1/2-2/2 \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the letter of \_\_\_\_\_  
 the sequence listing part of the description:  
 pages \_\_\_\_\_ \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_ \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).  
 the language of publication of the international application (under Rule 48.3(b)).  
 the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

contained in the international application in written form.  
 filed together with the international application in computer readable form.  
 furnished subsequently to this Authority in written form.  
 furnished subsequently to this Authority in computer readable form.  
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/fig \_\_\_\_\_

5.  This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/03/12820

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

|                               |        |     |     |
|-------------------------------|--------|-----|-----|
| Novelty (N)                   | Claims | 1-5 | YES |
|                               | Claims |     | NO  |
| Inventive step (IS)           | Claims | 1-5 | YES |
|                               | Claims |     | NO  |
| Industrial applicability (IA) | Claims | 1-5 | YES |
|                               | Claims |     | NO  |

## 2. Citations and explanations

Reference is made to the following document:

D1: DE 298 16 126 U (AZ AUSRUEST ZUBEHOER GMBH)  
13 January 2000 (2000-01-13).

1. Document D1 (see page 3, lines 9-13; page 7, lines 22-29; page 10, lines 29-30; page 12, lines 9-14; figures 6 and 7), considered to be the closest prior art, discloses a loading space in a motor vehicle, said loading space comprising a load rail for securing items to be transported; the subject matter of claim 1 differs therefrom in that the load rail overlays a longitudinal bearer, a hollow-profile shell being positioned on a region of the longitudinal bearer in front of the parting plane in such a way that a cavity region is formed between the hollow-profile shell and the longitudinal bearer and, in the event of a rear-end collision, said cavity region accommodates the rear part-rail.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

/...

The problem addressed by the present invention can thus be regarded as that of ensuring that in the event of a rear-end collision, the rear part-rail is forced downwards into the cavity region between the longitudinal carrier and the hollow-profile shell.

The solution to this problem, as proposed in claim 1 of the present application, is neither known from the available prior art nor rendered obvious thereby and, in consequence, claim 1 involves an inventive step (PCT Article 33(3)).

2. Claims 2-5 are dependent on claim 1 and thus likewise satisfy the requirements of the PCT in respect of novelty and inventive step.

DaimlerChrysler AG

Patent Claims

5 1. A trunk of a motor vehicle, having a goods rail which is oriented approximately in the direction of the longitudinal axis of the vehicle and is intended for fixing goods to be transported, and having means which, in the event of a rear impact, prevent penetration into  
10 a seat region arranged in front of the trunk by reducing the effective length of the goods rail, characterized in that the goods rail (14) is composed of at least two partial rails (15, 16), with the separating plane (17) between the partial rails (15, 16) running in an obliquely inclined manner.

2. The trunk as claimed in claim 1, characterized in that the separating plane (17) runs in a manner rising from the front to the rear transversely with respect to  
20 the longitudinal axis (L) of the vehicle.

3. The trunk as claimed in claim 1 or 2, characterized in that the separating plane (17) runs approximately in the center of the goods rail (14).

25 4. The trunk as claimed in claim 1, characterized in that the goods rail (14) is arranged in an overlap with a longitudinal member (7).

30 5. The trunk as claimed in claim 4, characterized in that a hollow profile shell (11) is placed onto a region (10) of the longitudinal member (7) that is mounted upstream of the separating plane (17).

35 6. The trunk as claimed in claim 5, characterized in that a cavity (21) which, in the event of a rear impact, receives the rear partial rail (15) is formed between the hollow profile shell (11) and the

longitudinal member (7).

7. The trunk as claimed in claim 6, characterized in that the cavity (21) is designed in such a manner that 5 the rear partial rail (15) is inevitably guided downward.

8. The trunk as claimed in one of claims 1 to 7, characterized in that the goods rail (14) has an 10 upwardly open, U-shaped cross section.